

United States District Court
Eastern District of Michigan

United States of America

v.

Manuel Brooks /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 07-20246

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

X (1) I find that:

- x there is probable cause to believe that the defendant has committed an offense
- x for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- x under 18 U.S.C. § 924(c).

X (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

X I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

X I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

X I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

X (a) nature of the offense - Brooks is indicted in a 10 defendant crack cocaine distribution conspiracy involving more than 50 g. of cocaine base. Brooks home was used as the base of operation.

X (b) weight of the evidence -Evidence is strong, including seizure of crack cocaine, firearms and cash from defendants residence.

X (c) history and characteristics of the defendant -

X 1) physical and mental condition - Drug abuse (marijuana and cocaine), diabetes, heart problems.

X 2) employment, financial, family ties - Unemployed, minimal assets, does have family ties.

☒ 3) criminal history and record of appearance -Traffic violation history with multiple outstanding warrants for contempt and failure to appear - Numerous failures to comply with judgments.

X (d) probation, parole or bond at time of the alleged offense -

X (e) danger to another person or community - Allows drug sales, firearms and juveniles in his home. Defendant faces 10 years to life in prison upon conviction. The prospect of conviction is substantial. Defendant has no job or assets to tie him to this community. He has nine failures to comply with judgment orders. He has five outstanding warrants. He lied to Pretrial Services about his drub (cocaine) use. He allowed the other defendants to sell drugs from his home. He allowed juveniles to frequent the drug house. I have no confidence that this defendant will conform his conduct to any condition of bond. I consider him a flight risk and a danger to the community

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date July 12, 2007

s/ Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge